

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (date/month/year)	07 March 2005 (07-03-2005)
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Applicant's or agent's file reference
702979 PCT

FOR FURTHER ACTION
 See paragraph 2 below

International application no
PCT/CA2004/001787

International filing date (date/month/year)
 07 October 2004 (07-10-2004)

Priority date (date/month/year)
 07 October 2003 (07-10-2003)

International Patent Classification (IPC) or both national classification and IPC

IPC⁷ B60Q 1/06, B60Q 1/068, F21S 8/10, F21V 14/04

Applicant. **DECOMA INTERNATIONAL INC. ET AL**

1. This opinion contains indications relating to the following items :

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CA
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Canadian Patent Office
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/CA2004/001787

10/573725

Box No. I

Basis of this opinion

AP9 Rec'd PCT/PTO 28 MAR 2006

1. With regard to the language, this opinion has been established on the basis of the international application in the language which it was filed, unless otherwise indicated under this item.

- ☐ This opinion has been established on the basis of a translation from the original language into the following language __, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments :

Box No. V reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	5	YES
	Claims	1-4, 6	NO
Inventive step (IS)	Claims	none	YES
	Claims	1-6	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims	none	NO

2. Citations and explanations :

Reference is made to the following documents:

D1 = FR 2 424 157

D2 = US 2003/0012028 A1

Documents D1 and D2 disclose simultaneously adjustable headlamp low and high beams

I. Novelty:

1. Independent claims 1 and 6 recite a housing containing a first and second reflector and light source and a pivotable connecting bar, shown in D1, page 2, line 14 to page 4, line 16 and D2 page 2

1.2 Dependent claims 2 to 4:

- Claim 2 recites a mechanism extending the housing and one of the reflectors for simultaneously adjusting the first and second reflectors, shown in D1, page 3, lines 10 to 32 and D2, page 2, paragraphs 25 and 26
- Claim 3 recites the connecting bar including a spherical ball and a hinge clip at the opposite end, shown in D1, page 3, lines 4 to 37
- Claim 4 recites a connecting bar mount for receiving a spherical ball, shown in D1, page 2, line 31 to page 3, line 32

As such, the subject matter of claims 1-2 and 6 is not deemed to fulfill the requirements of PCT Article 33(2) in view of D1 or D2 and the subject matter of claims 3-4 is not deemed to fulfill the requirements of PCT Article 33(2) in view of D1.

II. Inventive Step:

2. Because claims 1-2 and 6 lack novelty (PCT Article 33(2)) in view of D1 or D2 and claims 3-4 in view of D1, the respective claims also lack an inventive step (PCT Article 33(3)) in view of D1 or D2 (claims 1-2 and 6) and in view of D1 (claims 3 and 4).

2.1 Documents D1 or D2 do not specifically disclose a hinge pin pivotally secured to the connecting bar at the end of the hinge clip (claim 5). This element is well known in the art of headlamp adjusting mechanism and does not involve an inventive step. As such, the subject matter of claim 5 is not deemed to fulfill the requirements of PCT Article 33(3) in view of D1 or D2.

2.2 Document D2 does not specifically disclose a connecting bar which includes a spherical ball and an opposing hinge clip or a connecting bar mount for receiving the spherical ball. This element is well known in the art of headlamp adjusting mechanism and does not involve an inventive step. As such, the subject matter of claims 3-4 is not deemed to fulfill the requirements of PCT Article 33(3) in view of D2, in addition to the lack of novelty of claims 3-4 in view of D1.

III. Industrial applicability:

The claimed subject matter of claims 1 to 6 is considered to be industrially applicable and thus fulfilling the requirements of PCT Article 33(4).

Box No. VIII

Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made :

Claims 1 and 6 recite "a second reflector...cooperating with a second light source to a second light beam", which renders the claims ambiguous (PCT Article 6). The claims should probably read "a second reflector...cooperating with a second light source to direct a second light beam".